

ATTACHMENT II

State of Hawaii
Department of Land & Natural Resources
Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

Incidental Take License No. ITL-10
Date of Issue: JUN 07 2010
Valid Until: 20 years from date of issue

INCIDENTAL TAKE LICENSE

to accompany:

Kahuku Wind Power Habitat Conservation Plan

The Board of Land and Natural Resources hereby grants permission under the authority of §195D-4(g) Hawaii Revised Statutes and all other applicable laws, to:

Kahuku Wind Power, LLC
c/o First Wind Energy, LLC
179 Lincoln Street, Suite 500
Boston, MA 02111

To: take of (if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity);

The following species:

Common Name	Scientific Name	Mitigation Tier	Annual Take Limit	Five (5) Year Take Limit	Twenty (20) Year Take Limit	Location
'ua'u (Hawaiian petrel)	<i>Pterodroma sandwichensis</i>	Baseline	4	8	8	Lands owned or otherwise controlled by Kahuku Wind Power, LLC on the Island of Oahu, Hawaii 5-6-005:007, 5-6-5:014
		Higher	8	12	12	
'a'o (Newell's shearwater)	<i>Puffinus auricularis newelli</i>	Baseline	3	9	12	
		Higher	6	12	18	
koloa maoli (Hawaiian duck)	<i>Anas wyvilliana</i>	Baseline	4	12	16	
		Higher	8	16	24	
ae'o (Hawaiian stilt)	<i>Himantopus mexicanus knudseni</i>	Baseline	3	9	12	
		Higher	6	12	18	
'alae ke'oke'o (Hawaiian coot)	<i>Fulica alai</i>	Baseline	3	9	12	
		Higher	6	12	18	

Common Name	Scientific Name	Mitigation Tier	Annual Take Limit	Five (5) Year Take Limit	Twenty (20) Year Take Limit	Location
'ālae 'ula (Hawaiian moorhen)	<i>Gallinula chloropus sandvicensis</i>	Baseline	4	10	14	
		Higher	7	14	20	
'ōpe'ape'a (Hawaiian hoary bat)	<i>Lasiurus cinereus semotus</i>	Baseline	7	18	21	
		Higher	14	21	32	
pueo (Hawaiian owl)	<i>Asio flammeus sandwichensis</i>	Baseline	4	12	16	
		Higher	8	16	24	


Subject to the following conditions:

I. GENERAL CONDITIONS

1. This license only authorizes incidental take of the covered species by the licensee on the lands owned or otherwise controlled by Kahuku Wind Power, LLC on the island of O'ahu, Hawaii at the time this license is issued pursuant to the "*Kahuku Wind Power Habitat Conservation Plan*" dated March 2010 (hereafter "HCP").
2. This license is valid only if Kahuku Wind Power, LLC abides by the terms and conditions of the HCP, ITL and Implementing Agreement for the duration of the license.
3. This license is valid for species protected by federal law only if accompanied by valid federal authorization.
4. This license shall become valid upon completion of the following:
 - i. A legal representative of Kahuku Wind Power, LLC has acknowledged understanding and agreement to abide by its conditions by signing two copies of Attachment I, which is attached hereto and made a part of this license.
 - ii. Both copies of the signed license must be returned to the Division of Forestry and Wildlife. Upon approval by the Chairperson of the Board of Land and Natural Resources, a copy of the license will be returned to the applicant.
5. The Board may suspend or revoke this license if the HCP is suspended or revoked. The Board may also suspend or revoke this license in accordance with applicable laws and regulations in force during the term of the license.

II. SPECIAL CONDITIONS

1. The allowable incidental take authorized by this license for the covered species includes both observed, unobserved, direct and indirect take as defined in the HCP.
2. The estimation of incidental take for the covered species will be calculated according to adjustments made to the observed direct take according to methods detailed in the HCP, including but not limited to adjustments to include unobserved and indirect take.
3. The incidental take authorized by this license for the covered species are defined by two tiered levels, each of which is identified in the HCP. In the event that the take level for a covered species is reached, incidental take at the tier 2 level is authorized, provided that Kahuku Wind Power, LLC abides by the terms and conditions of the HCP for the tier 2 level for the duration of the HCP.
4. DLNR will be notified within 3 days of any mortalities, injuries, or disease observed on the property. Injured individuals or carcasses will be handled according to guidelines in the HCP.



LAURA H. THIELEN, Chairperson and
Member Board of Land and Natural Resources


C: DOFAW O'ahu Branch
DOCARE
USFWS Pacific Islands Office, Honolulu
Senior Resident Agent, USFWS-Law Enforcement, Honolulu

Attachment No. 1 to INCIDENTAL TAKE LICENSE No. ITL-10

The undersigned has read, understands and hereby agrees to abide by General Conditions 1 - 5 and Special Conditions 1 - 5 stipulated on pages 1 through 3 in INCIDENTAL TAKE LICENSE No. ITL-10.

KAHUKU WIND POWER LLC
a Delaware limited liability company

By: Kahuku Holdings, LLC, a Delaware limited liability company
Its sole member

By: 
Name: Elizabeth Weir
Title: Assistant Secretary